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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,472	02/03/2005	Ronald Jabusch	AFK 16302-WO-US	3663
30996 7590 09/24/2007 ROBERT W. BECKER & ASSOCIATES 707 HIGHWAY 333 SUITE B TIJERAS, NM 87059-7507			EXAMINER HAUGLAND, SCOTT J	
			ART UNIT 3654	PAPER NUMBER
			MAIL DATE 09/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/523,472		JABUSCH, RONALD	
	Examiner		Art Unit	
	Scott Haugland		3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) 15, 16 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 13, 14, 17-21, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/3/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the structures recited in claim 23, line 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Election/Restrictions

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- I. the seatbelt retractor of Fig. 1,
- II. the seatbelt retractor of Fig. 2,
- III. the seatbelt retractor of Figs. 3-5, and
- IV. the seatbelt retractor disclosed on p. 17, lines 9-15.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

I. claims 13-15

II. claims 13, 14, and 16

III. claims 13, 14, 17-21, 23, and 24

IV. claims 13, 14, and 22.

The following claim(s) are generic: 13 and 14.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: There are no common special technical features in relation to the prior art as evidenced by the obviousness of all of the generic claims.

During a telephone conversation with Mr. Robert Becker on 9/17/07 a provisional election was made with traverse to prosecute the invention of species III, claims 13, 14, 17-21, 23, and 24. Affirmation of this election must be made by applicant in replying to this Office action. Claims 15, 16, and 22 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13, 14, 17-21, 23, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language of claim 13, lines 4-6 is unclear or inaccurate. The tensioning drive does not appear to be released from anything during operation.

Claim 13 recites the limitation "the pull out direction" on line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the triggering" on line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the tensioning device" on line 8. There is insufficient antecedent basis for this limitation in the claim.

The language of claim 13, line 9 appears to be inaccurate since the tensioning device is rotatably mounted in and supported by the housing 11.

Claim 13 recites the limitation "the wind up" on line 19. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the drive force" on line 19. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the fixedly disposed first component" on line 20. There is insufficient antecedent basis for this limitation in the claim.

It appears that "whereby" in claim 13, line 20 should be --wherein--.

The language of claim 13, lines 21-23 is indefinite or incomplete since the engagement (effectiveness) of the reverse movement stop depends on the relative direction of rotation of the first and second components, rather than on the recited absolute directions.

The claims do not clearly set forth that the shaft body of claim 17, line 2 is the same element as the previously recited belt shaft (e.g., claim 13, line 2).

"drive shaft" (two words) in claim 17, line 4 is inconsistent with "driveshaft" in claim 20, lines 1 and 4 (for example).

Claim 17, line 6, appears to be inconsistent with parent claim 13 in which the tensioning drive includes the first and second components.

Claim 19, lines 1-2 repeats the subject matter of its parent claim 18.

The relationship between the pistons of claim 18, line 2, claim 19, line 2, and claim 19, line 4 is not clearly set forth in the claims.

Claim 21 recites the limitation "the linear piston movement" on line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "the belt" on line 3. There is insufficient antecedent basis for this limitation in the claim. Belts are recited in claim 21, line 2 and claim 13, line 1.

Claim 21 recites the limitation "the fixedly retained driveshaft" on lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

It appears that "whereby" in claim 23, line 4 should be --wherein--.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, 14, 17-19, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Modzelewski (U.S. Pat. No. 5,842,657) in view of Schmidt et al (U.S. Pat. No. 6,105,893).

Modzelewski discloses a seatbelt retractor for a belt 16a windable on a belt shaft 50a rotatably supported in a housing 40a, the retractor comprising a tensioning drive that rotates the belt shaft 50a in the wind up direction of the belt. The tensioning drive includes a first component 64a and second component 74a (having piston 70a) movable relative to each other when the tensioning drive is triggered and rotating with the belt shaft 50a before the triggering. The retractor includes a blocking element 68a on the first component 64a.

Modzelewski does not disclose that the first component of the tensioning drive initially initiates a rotation in the pull out direction of the belt. Modzelewski does not disclose a reverse movement stop between the first and second components of the tensioning drive.

Schmidt et al teaches providing a seatbelt retractor with a reverse movement stop 42, 43 between components of a tensioning drive.

It would have been an obvious reversal of parts to one having ordinary skill in the art at the time the invention was made to mount the second component 74a of the tensioning drive in Modzelewski on spool 50a and to mount the first component 64a and blocking element 68a on side wall 44a since this would clearly have produced the same

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results. It would have been obvious to provide Modzelewski with a reverse movement stop (e.g., between spool 50a and frame 40a) as taught by Schmidt et al to retain the tension generated by the tensioning drive. In the resulting apparatus, the first component of the tensioning drive initially rotates in the pull out direction of the belt upon activation of the tensioning drive. The reverse movement stop of the modified apparatus of Modzelewski is in the force path between the first and second components of the tensioning drive.

With regard to claim 23, it would have been obvious to provide Modzelewski with a torsion bar and shear pins as taught by Schmidt et al to absorb collision energy and limit the belt force on a wearer.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Modzelewski in view of Schmidt et al as applied to claim 18 above, and further in view of Pywell et al (U.S. Pat. No. 6,065,704).

Modzelewski is described above.

Modzelewski does not disclose that the piston and drive shaft are coupled by meshing teeth.

Pywell et al teaches providing a seat belt retractor with a tensioning drive comprising a piston 34 coupled to a drive shaft 44, 46 by meshing teeth 40, 42.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Modzelewski with a tensioning drive comprising a piston

coupled to a drive shaft by meshing teeth as taught by Pywell et al to convert the expansion of gas from the pyrotechnic device to rotary motion of the belt shaft.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Modzelewski in view of Schmidt et al as applied to claim 18 above, and further in view of Stevens (U.S. Pat. Appl. Pub. No. 2002/0109029).

Modzelewski is described above.

Modzelewski does not disclose a belt wound on the drive shaft and guided over a linearly movable piston.

Stevens teaches providing a seat belt retractor with a tensioning drive comprising a piston 50 and a belt 40 guided over the piston 50 and wound around a driveshaft 30.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Modzelewski with a tensioning drive comprising a piston and a belt guided over the piston and wound around a driveshaft as taught by Stevens to convert the expansion of gas from the pyrotechnic device to rotary motion of the belt shaft.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Andres (U.S. Pat. No. 4,142,692), Tillac (U.S. Pat. No. 4,191,344), Andres et al (U.S. Pat. No. 4,213,581), Fohl (U.S. Pat. No. 4,232,836),

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Andres et al (U.S. Pat. No. 4,371,125), Hori (U.S. Pat. No. 5,699,976), and Specht (U.S. Pat. No. 6,360,981) are cited to further show seat belt tensioners.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Mon. - Fri., 10:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


sjh
9/17/07


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